

Message Text

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S E C R E T NICOSIA 0619

EXDIS

E.O. XGDS-2
TAGS: PFOR, SY, CY, US
SUBJECT: DAVIES CASE

REF: NICOSIA 560

1. AT A NICOSIA DISTRICT COURT HEARING ON MARCH 3, 1977, ON THE AMBASSADOR DAVIES MURDER CASE, THE GOC ATTORNEY GENERAL (A/G) GAVE HIS CONSENT FOR THE CASE TO BE FORWARDED DIRECTLY TO THE ASSIZES COURT WITHOUT A PRELIMINARY INQUIRIES PROCEEDING. THE DISTRICT COURT JUDGE THEN AGREED TO AN ADJOURNMENT OF ONE WEEK, UNTIL MARCH 10, TO ALLOW THE PROSECUTION TIME TO COMPLETE A SUMMATION OF THE EVIDENCE. AFTER THE JUDGE REVIEWS SUMMATION HE WILL MAKE A JUDICIAL DETERMINATION WHETHER TO FORWARD THE CASE DIRECTLY TO THE ASSIZES.

2. DURING THE HEARING KTIMATIAS REPORTED HE HAD BEEN UNABLE TO ENGAGE A LAWYER. THE JUDGE APPOINTED MANOLIS CHRISTOPHIDES TO DEFEND KTIMATIAS. (CHRISTOPHIDES DEFENDED NICOS SAMPSON, NOW SERVING A 20-YEAR SENTENCE. HE ALSO DEFENDED KYRIACOS KOUPPIS, AND EOKA-B ACTIVIST WHO WAS SENTENCED TO DEATH, ON MARCH 3, 1977, FOR MURDERING A SENIOR LYSSARIDES SUPPORTER, GEORGHIOS PHOTIOU, IN APRIL, 1973.)

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3. FOLLOWING THE DISTRICT COURT HEARING PHERSON MET WITH GEORGE POLYVIOU, THE EMBASSY'S CYPRIOT COUNSELOR. POLYVIOU SAID HE HAD DISCUSSED THE DAVIES PROCEEDINGS WITH THE DISTRICT COURT JUDGE THAT MORNING, ON AN INFORMAL BASIS. (THE JUDGE COMPLETED HIS LEGAL INTERNSHIP WITH THE POLYVIOU FIRM A NUMBER OF YEARS AGO; A CLOSE

PERSONAL AND PROFESSIONAL RELATIONSHIP HAS CONTINUED.)
THERE IS NO DOUBT IN POLYVIOU'S MIND THAT THE COURT
WILL DISPENSE WITH THE PRELIMINARY INQUIRIES PROCEDURE.
ALTHOUGH POLYVIOU WOULD NOT RULE OUT THE POSSIBILITY
THAT THE DAVIES CASE WOULD BE DIRECTED TO A SPECIAL
ASSIZES COURT AFTER THE MARCH 10 HEARING, HE THOUGHT
THE CANCES WERE MUCH GREATER THAT THE CASE WOULD BE
HEARD AT THE NEXT REGULAR ASSIZES SESSION IN MAY 1977.

4. AFTER THE POLYVIOU MEETING PHERSON DISCUSSED THE
DAVIES PROCEEDINGS WITH CYPOL ASST. CMDR. FANIS
DEMETRIOU, WHO SAID HE WAS "100 PERCENT SURE" THERE WOULD BE
NO PRELIMINARY INQUIRIES. DEMETRIOU ADDED THAT CYPOL
HAS ALMOST COMPLETED THE SUMMARY OF EVIDENCE, ON WHICH
THE ASSIZES TRIAL WILL BE BASED, AND WILL DISTRIBUTE
COPIES TO ALL PARTIES OF INTEREST ON MARCH 10. HE
ACKNOWLEDGED, OFF THE RECORD, THAT THE DISTRICK COURT
JUDGE WOULD HAVE AN ADVANCE COPY OF THE SUMMARY IN A
DAY OR TWO. DEMETRIOU ALSO BELIEVES THAT THE CASE
WILL BE HEARD AT THE MAY 1977 SESSION OF THE ASSIZES.
HE ADDED, HOWEVER, THAT THERE WAS ALWAYS THE CHANCE
THAT POLITICAL CONSIDERATIONS WOULD BRING ABOUT THE
CREATION OF A SPECIAL ASSIZES COURT TO HEAR THE CASE
IMMEDIATELY.

5. COMMENT: AS REPORTED REFTEL, A DECISION TO GO
DIRECTLY TO THE ASSIZES COULD BE A POSITIVE STEP TOWARD
THE CONVICTION OF THE ACCUSED. WE BELIEVE THE CURT
PROCEEDING REFLECTS A DESIRE ON THE PART OF RESPONSIBLE
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OFFICIALS IN THE GOC AND THE JUDICIARY TO PROCEED TO
THE PROSECUTION OF THIS CASE IN THE MOST EXPEDITIOUS
AND EFFECTIVE MANNER. END COMMENT.
DILLERY

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